

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RONNIE EDWARDS,

Case No. 2:20-cv-01479-RFB-DJA

Petitioner,

**ORDER**

v.

CHARLES DANIELS, et. al,

Respondents.

This habeas corpus action has been stayed since April 6, 2021, to allow time for appointed counsel to locate the Petitioner and consult with him about his habeas petition. ECF No. 15. In granting the stay, the Court ordered that it would not permit a stay longer than one year and that if counsel were unable to locate Petitioner within one year, this case would be subject to dismissal for failure to prosecute under Fed. R. Civ. P. 41(b). On April 4, 2022, counsel filed a motion to reopen this case indicating that their efforts to locate Edwards have been unsuccessful. ECF No. 17.

It appears from the record that Petitioner has completed his sentence. ECF No. 18 at 1. In addition, the Court is satisfied that counsel for Petitioner have made all reasonable efforts to locate him. It is apparent that Petitioner is no longer interested in pursuing habeas relief. Thus, this Court will exercise its inherent power to dismiss this case sua sponte for failure to prosecute. See Link v. Wabash Railroad Co., 370 U.S. 626, 629-31 (1962) (recognizing that even though the language of Rule 41(b) requires a motion, the district court has sua sponte authority to dismiss for failure to prosecute).

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1 IT IS THEREFORE ORDERED that Petitioner's motion to reopen (ECF No. 17) is  
2 GRANTED. The Clerk of Court is directed to reopen this case for the purpose of entering this  
3 order.

4 IT IS FURTHER ORDERED that this case is DISMISSED without prejudice for failure to  
5 prosecute. The Clerk is directed to enter judgment accordingly and close this case.

6 IT IS FURTHER ORDERED that a certificate of appealability is denied as as jurists of  
7 reason would not find the court's dismissal of this action without prejudice to be debatable or  
8 incorrect.

9 Dated: August 9, 2022.

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12 RICHARD F. BOULWARE, II  
13 U.S. District Judge Richard F. Boulware  
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